

**Notice of Allowability**

Application No.

10/656,203

Examiner

Karl J. Puttlitz

Applicant(s)

ECK ET AL.

Art Unit

1621

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

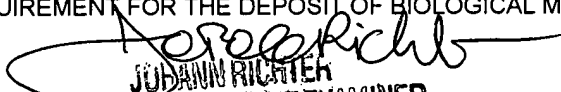
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Reply filed 1/6/2005.
2. ☒ The allowed claim(s) is/are 11-29.
3. ☒ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

  
JUDITH RICHTER  
SUPERVISORY PATENT EXAMINER  
GROUP 1200

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **REASONS FOR ALLOWANCE**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Insert the following before the first sentence of the specification:

#### **Cross Reference to Related Applications**

This application is a continuation of U.S. Serial No. 09/926,711 filed 12/06/2001, which issued as U.S. Patent No. 6,700,016. This applications was filed under 35 USC 371 from International Application PCT/EP00/05004 filed 05/31/2000.

The following is an examiner's statement of reasons for allowance:

The rejections under section 112,second paragraph are withdrawn in view of Applicant's comments. Specifically, the preamble of Claim 11 states, a purified acrylic acid is obtained from washing the crystals. In Claim 20, the crystals further comprise one or more impurities/byproducts of any type in addition to the acrylic acid as described in page 3, lines 10-18 of the specification.

The amendments to claims 11, 15, 16, 20, 24 and 25 obviate the double patenting rejection as the temperature range now being claimed is from 15°C to less than 20°C, which does not include 20 °C. Eck '016 however claims a temperature

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range of 20°C to 35°C. Therefore, the limitation of the temperature range from 15°C to less than 20°C is not described nor suggested in the claims of Eck '016.

The rejection under section 103 over Eck '222 is withdrawn since applicant has perfected priority to DE 199 26 082.6 by filing a certified translation of this document, and thus, antedating the Eck '222 reference.

The rejection under section 102 over Eck '901 since one of ordinary skill in the art would also consider 23-25 °C to be encompassed by room temperature, which is the assumed temperature of the washing step disclosed by Eck '901, since Eck is silent with regard to temperature. However, this range, nor room temperature, suggests the claimed temperature range of 15°C to less than 20°C, which is the temperature of the washing step of the captioned application.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

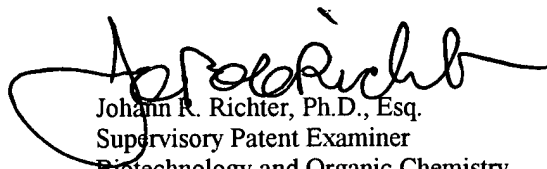
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl J. Puttlitz whose telephone number is (571) 272-0645. The examiner can normally be reached on Monday to Friday from 9 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter, can be reached at telephone number (571) 272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Assistant Examiner



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